

### **REMARKS**

The specification has been amended to replace two U.S. Patent Application Serial No.s with the U.S. Patent No.s of the corresponding issued patents.

Claims 6, 37-40 and 57-67 were pending. Claims 37-40 and 62-67 are allowed.

Claim 6 has been amended in view of the Examiner's comments under 35 U.S.C. §112, first paragraph provided in the Office Action mailed on September 10, 2003, to clarify limitations of the claimed invention. No new matter has been added.

### **Rejections Under 35 U.S.C. §112, First Paragraph**

The Examiner rejected claim 6 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

The Examiner has maintained the rejection of claim 6 and states in Paper 20, page 2 that the rejection has been retained because the "recited activity, i.e., 'encode a cancer antigen' is not correlated with the structure and seen as not enough for description of protein activity". Applicants respectfully submit that the Examiner appears to have misread the amendment to claim 6 that was made in the Office Action Response mailed June 5, 2003. Applicants assert that the amendment of claim 6 included the addition of the limitation that the nucleic acid molecules encode a cancer antigen that stimulates an immune response. Applicants assert that the limitation that describes the protein structure and activity is not just the limitation that the nucleic acid molecules encode a cancer antigen, but that the encoded antigen "stimulates an immune response". Applicants respectfully submit that the inclusion of the language "stimulates an immune response" *does* provide sufficient description of protein structure and activity. The Examiner appears to have overlooked the addition of this limitation to claim 6 and, in maintaining the rejection, has only addressed the inclusion of the phrase "encode a cancer antigen".

Applicants respectfully request that the Examiner consider the previous amendment to the claim in its entirety and assert that claim 6 as previously amended sufficiently describes the structure and activity of the protein, and therefore claim 6 meets the Written Description requirement under 35 U.S.C. §112, first paragraph. Applicants respectfully request the Examiner reconsider and withdraw the rejection of claim 6 under 35 U.S.C. §112, first paragraph.

Claims 6 and 57-61 were rejected under 35 U.S. C. §112, first paragraph. The Examiner contends that the amendment to include the hybridization conditions in claim 6 places new matter into the application. Applicants have amended claim 6 to include hybridization conditions set forth in U.S. Patent No.: 5,698,396, which was incorporated by reference into the instant application at the time of filing. The U.S. patent application Serial No. 08/479,328 is incorporated by reference in the instant application at page 4, lines 12-14. The 08/479, 328 application issued as U.S. Patent No.:5,698,396 on Dec. 16, 1997. The stringent hybridization conditions are set forth at col. 12, lines 49-53 have been added to claim 6 to clarify the meaning of term "stringent hybridization". Applicants respectfully submit that the inclusion of the stringent hybridization conditions in the claim obviates the rejection of the claims 6 and 57-61 under 35 U.S.C. §112, first paragraph. In addition, because the instant application expressly incorporates the contents of the U.S. Patent No.:5,698,396 by reference, the inclusion of the stringent hybridization conditions in claim 6 does not constitute new matter.

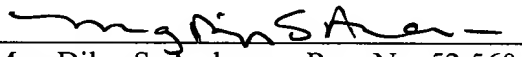
**CONCLUSION**

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after reviewing the amendments and this response, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check, please charge any deficiency to Deposit Account No: 23/2825.

Respectfully submitted,

By:

  
Mary Dilys S. Anderson, Reg. No. 52,560  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Tel. No.: (617) 720-3500  
Representative for Applicants

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